

Message

From: Simon, Paul [Simon.Paul@epa.gov]
Sent: 10/23/2020 8:47:39 PM
To: Schaaf, Eric [Schaaf.Eric@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: FW: New EO

Flag: Flag for follow up

FYI.

From: Simons, Andrew <Simons.Andrew@epa.gov>
Sent: Friday, October 23, 2020 4:46 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Subject: RE: New EO

Paul:

Ex. 5 Attorney Client (AC)

§ 6.1 Authority to except positions from the competitive service.

(a) OPM may except positions from the competitive service when it determines that (A) appointments thereto through competitive examination are not practicable, or (B) recruitment from among students attending qualifying educational institutions or individuals who have recently completed qualifying educational programs can better be achieved by devising additional means for recruiting and assessing candidates that diverge from the processes generally applicable to the competitive service. These positions shall be listed in OPM's annual report for the fiscal year in which the exceptions are made.

(b) OPM shall decide whether the duties of any particular position are such that it may be filled as an excepted position under the appropriate schedule.

(c) Notice of OPM's decision granting authority to make appointments to an excepted position under the appropriate schedule shall be published in the FEDERAL REGISTER.

[28 FR 10025, Sept. 14, 1963, as amended by E.O. 11315, 3 CFR, 1966-1970 Comp., p. 597; E.O. 12043, 43 FR 9773, Mar. 10, 1978; E.O. 13562, 75 FR 82587, Dec. 30, 2010]

§ 6.2 Schedules of excepted positions.

OPM shall list positions that it excepts from the competitive service in Schedules A, B, C, and D, and it shall list the position of administrative law judge in Schedule E, which schedules shall constitute parts of this rule, as follows:

Schedule A. Positions other than those of a confidential or policy-determining character for which it is not practicable to examine shall be listed in Schedule A.

Schedule B. Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination shall be listed in Schedule B. Appointments to these positions shall be subject to such noncompetitive examination as may be prescribed by OPM.

Schedule C. Positions of a confidential or policy-determining character shall be listed in Schedule C.

Schedule D. Positions other than those of a confidential or policy-determining character for which the competitive service requirements make impracticable the adequate recruitment of sufficient numbers of students attending qualifying educational institutions or individuals who have recently completed qualifying educational programs. These positions, which are temporarily placed in the excepted service to enable more effective recruitment from all segments of society by using means of recruiting and assessing candidates that diverge from the rules generally applicable to the competitive service, shall be listed in Schedule D.

Schedule E. Position of administrative law judge appointed under 5 U.S.C. 3105. Conditions of good administration warrant that the position of administrative law judge be placed in the excepted service and that appointment to this position not be subject to the requirements of 5 CFR, part 302, including examination and rating requirements, though each agency shall follow the principle of veteran preference as far as administratively feasible.

[E.O. 13843, 83 FR 32755, July 13, 2018]

§ 6.6 Revocation of exceptions.

OPM may remove any position from or may revoke in whole or in part any provision of Schedule A, B, C, or D. Notice of OPM's decision making these changes shall be published in the FEDERAL REGISTER.

Andrew Simons
Acting Associate General Counsel
Cross-Cutting Issues Law Office
U.S. Environmental Protection Agency
Tel. 202-564-3649
WJC-N 7526E

CONFIDENTIALITY NOTICE: This message may contain deliberative, attorney-client, or otherwise privileged material. Do not release this message under FOLA without appropriate review. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, please contact the sender and delete all copies.



Please consider the environment before printing this email.

From: Simon, Paul <Simon.Paul@epa.gov>
Sent: Friday, October 23, 2020 10:34 AM
To: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: FW: New EO

Ex. 5 Attorney Client (AC)

From: Simons, Andrew <Simons.Andrew@epa.gov>
Sent: Thursday, October 22, 2020 12:13 PM
To: Packard, Elise <Packard.Elise@epa.gov>; OGC HQ ADDs <OGC_HQ_ADDs@epa.gov>; OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Subject: RE: New EO

For a general overview, here is a link to the White House press statement:

<https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-taking-action-promote-good-governance-accountability-within-federal-workforce/>

Andrew Simons
Acting Associate General Counsel
Cross-Cutting Issues Law Office
U.S. Environmental Protection Agency
Tel. 202-564-3649
WJC-N 7526E

CONFIDENTIALITY NOTICE: This message may contain deliberative, attorney-client, or otherwise privileged material. Do not release this message under FOIA without appropriate review. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, please contact the sender and delete all copies.



Please consider the environment before printing this email.

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Thursday, October 22, 2020 11:38 AM
To: OGC HQ ADDs <OGC_HQ_ADDs@epa.gov>; OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Subject: New EO

<https://www.whitehouse.gov/presidential-actions/executive-order-creating-schedule-f-excepted-service/>

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729